

To the members of COREPER I and COREPER II

12 December 2006

THE SECRETARY GENERAL

Dear Ambassador,

At a time when innovation is seen as one of the pillars to enhance Europe's competitiveness, growth and job creation, UNICE is very concerned about the direction of discussions on the future patent strategy for Europe.

An effective patent system is key to a favourable framework for innovation that will enable the EU to turn the challenges of globalisation into opportunities and concrete results to the benefit of all. Japan, the USA and many other countries have put Intellectual Property at the centre of their innovation strategy and have made available appropriate means to do so.

Earlier this year, the European Commission conducted a consultation to seek the views of stakeholders on what the future patent system in Europe should look like.

A vast majority of stakeholders including European business voiced a number of clear messages, stressing in particular the need to improve the functioning of the current system in Europe by reducing costs and enhancing legal certainty by means of its support for the European Patent Litigation Agreement (EPLA). Business also supported further attempts to adopt a Community Patent that fully meet users' needs.


Unfortunately, these messages seem to have had little impact on the discussions among Member States which appear to disregard the clear needs of the users. Even before the Commission has put a sound proposal on the table, we see resurfacing all the issues that have blocked progress in this area at EU level for more than twenty years.

We are not keen to see another standstill in the patent debate. Innovative companies, contributing to Europe's competitiveness, can no longer accept being held hostage by various national interests.

Business has voiced clearly what it needs and we now ask the EU Member States and the Commission to reconcile, in the light of business requests, the current options that are being considered, so that the EU can deliver the patent strategy we all agree it needs.

We remain at your disposal to discuss our concerns further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Philippe de Buck', written over a horizontal line.

Philippe de Buck